

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KURT RENFRO,  
WILLIAM SOUTHWORTH,  
RICHARD PETERSON, and  
JAMES FITCHUK, individually  
and as Class Representatives on  
behalf of other persons similarly  
situated,

Plaintiffs,

Case No. 1:99-cv-877

Hon. Wendell A. Miles

v

INDIANA MICHIGAN POWER  
COMPANY,  
d/b/a AMERICAN ELECTRIC POWER,

Defendant.

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ORDER ON COSTS

This is an action filed under the overtime pay provisions of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* After the court entered a judgment in favor of certain plaintiffs, known as the “technical writers,” defendant Indiana Michigan Power Company, d/b/a American Electric Power (“AEP”) successfully appealed to the United States Court of Appeals for the Sixth Circuit. Pursuant to the decision and mandate of that court, this court entered judgment in favor of AEP and against the plaintiffs on January 23, 2008.

The matter is currently before the court on the following: (1) AEP’s Bill of Costs (docket no. 357), and (2) the Technical Writer Plaintiffs’ Motion to Disallow Part of Defendant’s Claimed Costs (docket no. 360), which AEP has opposed (docket no. 362). The court, having considered the Bill of Costs, the motion to disallow, and response, and hereby awards costs to AEP in the amount of **\$10,281.99**, as follows:

Transcript fees		
Bench Trial	\$	479.25
Dale Anderson		28.72
Christopher Bakken		2.30
Louis Bruno		6.55
Thomas Dawson		21.31
Lloyd Dopp		903.60
Brian Farrington		13.83
Michael Goree		44.45
Larry Havard		9.26
David Jolley (video excluded) <sup>1</sup>		1,012.46
Edward Jones		779.35
Daniel Krause		66.10
Mark Marano		4.83
Curt Miles and David Rupert		294.71
Robert Piehl		1,153.54
Joe Pollock		1.85
Fred Sagan		772.00
William Southworth		1,268.65
Printing <sup>2</sup>		0.00
Witness fees		
Louis Bruno		1.28
Michael Goree		5.15
Docket fees		25.00

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<sup>1</sup>The court has disallowed \$448.35 requested by AEP for video production and tapes of the deposition of David Jolley. Title 28 U.S.C. § 1920(2), as presently written, provides for recovery of costs only for stenographic transcripts, which the court has permitted. See American Trim, L.L.C. v. Oracle Corp. 230 F. Supp.2d 803, 806 (N.D. Ohio 2002). The video was not presented during the trial.

<sup>2</sup>Title 28 U.S.C. § 1920(3) permits recovery of fees and disbursements for printing. The documentation provided by AEP indicates that \$241.68 of the \$365.88 requested by AEP for “printing” is for the enlargement, printing, and mounting of a chart on a board. The documentation does not specify the amount charged for printing alone. Therefore, the court disallows the entire expenditure for the board. (To the extent that AEP has cited to authority permitting recovery of costs for demonstrative aids under § 1920(4), which permits taxation of costs for exemplification and copies of papers, the court does not consider that authority controlling. AEP’s bill of costs lists the amount sought under “printing,” and therefore presumably invokes § 1920(3).) AEP has likewise provided no documentation for the remaining \$124.20 requested for “printing,” and therefore this amount is also disallowed.

Costs on Mandate of Court of Appeals (Fed.R.App.P. 39(d)(3))	2,937.80
Filing fee – Court of Appeals (Fed.R.App.P. 39(e)(4))	450.00
Total	<hr/> \$ 10,281.99

All costs not expressly allowed above are hereby disallowed.

So ordered this 1st day of May, 2008.

/s/ Wendell A. Miles  
Wendell A. Miles, Senior Judge